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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b>  176/1 (449/104)
<p>First Named Inventor: Tom Evslin Application Number: 09/636,660 Filed: August 11, 2000 Title: Integrated Network</p> <p>Art Unit: 2661 Examiner: Nguyen, Brian D.</p> <p>Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"><li>(1) Petition fee.</li><li>(2) Reply and/or issue fee.</li><li>(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li><li>(4) Adequate showing of the cause of unavoidable delay.</li></ul> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity – fee \$ <u>1,500.00</u> (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of <u>Amendment Under 37 C.F.R. 1.116</u> (identify the type of reply):</p> <p><input checked="" type="checkbox"/> has been filed previously on <u>July 8, 2005</u></p> <p><input type="checkbox"/> is enclosed herewith.</p> <p>B The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

12/22/2005 TBESHAH1 00000017 09636660 1500.00 0P  
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# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**


## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

## **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

	<u>December 16, 2005</u>
Signature	Date
<u>Frank F. Tian</u>	<u>46,462</u>
Typed or printed name	Registration Number, if applicable
<u>900 Route 9 North, 5th Floor</u>	<u>732 634-7634</u>
Address	Telephone Number
<u>Woodbridge, New Jersey 07090</u>	
Address	

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

## **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

December 16, 2005  
Date

  
Signature

Ute H. Wojtkowski

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

December 16, 2005

Date

Frank F. Tian

Typed or printed name

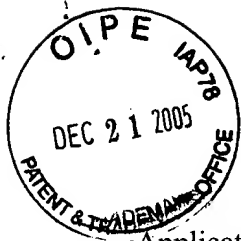
46,462

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See attached additional sheets.

*(Please attach additional sheets if additional space is needed.)*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/636,660  
Applicants : EVSLIN et al.  
Filed : August 11, 2000  
Art Unit : 2661  
Examiner : Brian D. Nguyen  
Title : INTEGRATED NETWORK  
Confirmation No. : 9188  
Customer No. : 27538

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Petition to Revive**

Sir:

Applicants hereby petitions the Commissioner for Patents to revive the above identified patent application due to unavoidable circumstances.

Included herewith are:

- Petition for revival of an application for patent abandonment unavoidably under 37 CFR 1.137(a), or FORM PTO/SB/61;
- A copy of Request for Continued Examination (RCE) transmittal, or FORM PTO/SB/30; and
- a check in the amount of \$1,500.00

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 16, 2005 Signature: Ute H. Wojtkowski Print Name: Ute H. Wojtkowski

### REMARKS

A final Office Action was issued on May 13, 2005. A reply to same was filed by Applicants on July 8, 2005. An Advisory Action was issued on July 28, 2005.

Advisory Action date of July 28, 2005 was mistakenly or avoidably deemed as the Final Office Action date. The circumstances leading to the abandonment was as follows.

The undersigned was given the case among various other cases on Monday, Nov. 14, 2005. Due to a mistake of the firm's informal filing system, the undersigned mistakenly believed the deadline for this case would be Nov. 28, 2005 with a one month extension. See attached Exhibit A. Note that the unpresentable block letter of "6month=11/13/2005" and "NO!" was later added by the undersigned when he discovered the mistake.

The undersigned admits that he should have discovered the mistake when he first received the file wrapper of the instant case on Monday, Nov. 14, 2005 and thereby avert this mistake. The six month date being a Sunday (Nov. 13, 2005), any suitable actions done on the immediate next Monday was still timely. However, the undersigned was exhausted after a red-eye flight on Monday, Nov. 14, 2005 back to New Jersey from the West Coast after a 4 day ordeal in the West Coast due to a family member's medical emergency (a 4-bypass heart surgery with complications). Therefore, when the undersigned initially reviewed all the cases assigned to him when he came the office Monday afternoon, he mistakenly placed the instant file wrapper in the wrong order for things to do. In addition, the undersigned has just started working in his present job in less than 2 weeks (he started on Oct. 31, 2005).

Upon discovering the mistake, the undersigned immediately contacted his supervisor, who promptly replied and ordered the instant revival action.


Thus, Applicants respectfully Petition a revival of the instant case.

### **CONCLUSION**

In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Dated: December 16, 2005

Respectfully submitted,

By 

Frank F. Tian

Registration No.: 46,462

KAPLAN GILMAN GIBSON & DERNIER L.L.P.

900 Route 9 North

Woodbridge, New Jersey 07095

(732) 634-7634

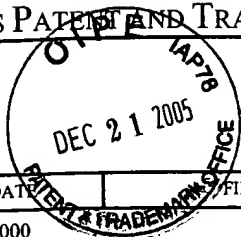
Attorneys for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,660	08/11/2000	Tom Evslin	176/1	9188

7590 07/28/2005

Jeffrey I. Kaplan, Esq.  
KAPLAN & GILMAN, L.L.P.  
900 Route 9 North, 5th Floor  
Woodbridge, NJ 07095

EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

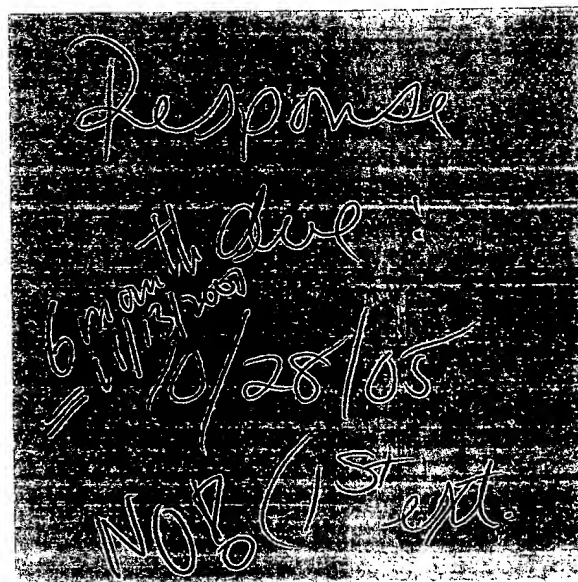
2661

DATE MAILED: 07/28/2005

1149/104

Please find below and/or attached an Office communication concerning this application or proceeding.

Jeff would  
like you to  
do. Thanks!  
Julie



I V E

2 2005

GILMAN I